

December 13, 1979

Mr. Daniel L. David
Manager, Technical Services Department
Saab-Scania of America, Inc.
Saab Drive
P. O. Box 697
Orange, Connecticut 06477

Dear Mr. David:

The 1980 model year certification and fuel economy programs saw major progress in the area of streamlining both programs. The introduction of abbreviated certification review (ACR) resulted in the transfer to manufacturers of many of the decisions heretofore made by EPA. This provided the opportunity for manufacturers to more directly control their certification and fuel economy calendars.

This increased flexibility to the manufacturer was not without some cost. To profit from the increased flexibility, manufacturers had to do some of the recordkeeping (to document their actions and decisions) that was handled by EPA when EPA was making these decisions. The overall quantity of paperwork has been decreased, however, which has tended to offset the increased paperwork that manufacturers have had to assume. The overall effect has been increased efficiency and has served to clear the way for even more streamlining and improvements in the year to come.

As a result of the experience gained during the 1980 model year program and as a result of personnel allocations over which we have no control, we intend to process all 1981 model year engine families in a manner which is most easily described as a modification of the ACR program used last year. The principal features of the program for the 1981 model year are summarized in Enclosure I. As in the 1980 model year ACR program, manufacturers are authorized to make many decisions and take actions previously reserved for the Administrator. Enclosure list of the major areas within the regulations where manufacturers are authorized to exercise the Administrator's authority in support of their programs.

With one exception, the recordkeeping for the 1981 model year program will be handled in a fashion similar to that used for ACR in the 1980 program. That is, manufacturers should retain and maintain applications, including all revisions and updating. To the extent that EPA needs access to these documents, it will be

achieved via the audit process. The exception to the above bookkeeping process is that manufacturers will be asked to provide maintenance records and vehicle test (including zero-mile test) information as provided by the regulations. This information will be used by EPA to track the progress of engine families. These records will replace the milestone charts used previously. Therefore, these milestone charts will not be required during the 1981 model year program or for those 1980 model year engine families not yet certified.

The delegation to manufacturers of authority to make specific decisions is also similar to that employed in the 1980 model year ACR program. The principal change is the additional authority delegated in cases where emission-data vehicles failed to meet applicable standards. In general, manufacturers are allowed to change configurations or to correct malfunctions on failed vehicles if they also demonstrate compliance on an appropriate new vehicle. (Authority to demonstrate compliance solely with one vehicle or the other, but not both, is not delegated.)

As promised last year, EPA provided a higher level of support to accommodate manufacturers during the early stages of the ACR program. Further reductions in resources in the past year combined with a reduced need for consultative interaction with the manufacturer will result in somewhat reduced support to manufacturers in the decisionmaking process. Approximately 50 percent of each team's time has been allocated to work on audits of the manufacturers' operations. The other 50 percent of the time will be available for dealing with issues, answering questions, reviewing applications for certification, processing running changes, and providing consultative services.

Because time allocated for consultation with manufacturers will be scarce, a specific procedure will be required to ensure that the time available for meetings is effectively and equitably used. Therefore, each manufacturer will be asked to contact the appropriate team member in advance of a proposed meeting and submit a complete agenda of the issues that are to be discussed. This procedure will allow the elimination of unnecessary meetings which are proposed for dealing with issues that can be more expeditiously handled by telephone or Telex. It will also provide an opportunity for team personnel to review the issues in advance of the meetings that are scheduled. The meetings that are held will be more useful to the requesting manufacturer because the EPA representatives will be in a better position to answer the questions and resolve the problems that necessitated the meetings. If you have any questions concerning the scheduling of meetings, please contact the team member who has been charged with the responsibility of following your certification program.

Guidelines which have been distributed to manufacturers have proven to be helpful and should be followed carefully. Additional guidelines will be provided as they are developed. In the absence of further specific guidance from EPA, manufacturers should proceed to make such decisions and take such actions as necessary to carry out their program using the philosophy and intent of extant regulations, advisory circulars, and policies as the basis for such actions.

Decisions made and actions taken by a manufacturer should take into consideration the intent of law and, where a conflict exists in which a decision could be made that would compromise the intent and spirit of the law, the decision should be made in favor of protecting the environment. Even following this principle, issues may still arise where honest differences of opinion can lead to different conclusions or results. EPA will not jeopardize a manufacturer's certificate because of such issues in cases where subsequent EPA position, opinion, or guidance would lead to a different conclusion or result. This policy will apply provided it is clear that the manufacturer has arrived at his conclusion or result in good faith and based on sound logic and approach that take into consideration extant guidance provided by the Clean Air Act, EPA regulations, advisory circulars, and EPA policies.

EPA stands ready to assist manufacturers in carrying out their certification program. While this support is of necessity limited and should be reserved for the most important and critical issues, manufacturers are encouraged to take advantage of it to minimize possible future conflicts that could result from manufacturers' decisions or actions.

I look forward to working with you in your 1981 model year program as we move even further in the direction of an optimum certification process aimed at reduced paperwork, improved efficiency, and improved timeliness and responsiveness to your certification needs but which still provides the air quality benefits of the program which were intended by the Clean Air Act. If you have questions regarding this program, or if your particular circumstances require modification of the program, your EPA team member will endeavor to deal with the issue in an appropriate way. If resolution cannot be reached to your satisfaction the Team Leaders, Branch Chief, and I will become involved, as necessary, to attempt to provide satisfactory resolution.

Sincerely yours,

R. E. Harrington, Director
Certification Division
Mobile Source Air Pollution Control

Enclosures

Enclosure I

Principal Features of the 1981 Model Year Certification Program

Documentation Preparation and Maintenance

(1) Preparation of the Application

The application for certification which is prepared for engine families that are intended to be certified must meet all of the requirements of the regulations. Applications can be prepared in accordance with the document "Application Format for Certification of Light-Duty Motor Vehicles--1981 Model Year--Recommended Procedures" (hereafter referred to as the "instructions").

(2) Maintenance of the Application

Unless directed otherwise, the manufacturer maintains the official copy of the application until all testing has been satisfactorily completed. While testing is in progress, the manufacturer has the responsibility for entering all revisions, corrections, and changes to the application directly into the official application. At such time as an engine family is audited, the currency and status of the application will be a key point of the audit. To expedite the audit review in this respect, the manufacturer should establish an accumulative listing (also referred to as a revision log) of all revisions. A suggested format for this document is enclosed in the Instructions. It is essential that an up-to-date revision log be maintained as an integral part of the manufacturer's application.

(3) Preparation and Submission of Emission Test Data and Maintenance Logs

Manufacturers should submit to EPA all test data and maintenance logs in accordance with the requirements of the regulations. Please note that the regulations specify not only what records are to be submitted to EPA but the time intervals in which the submissions are to be made. Further detail regarding such submissions will be provided in a separate document.

(4) Preparation and Maintenance of Other Records

During the entire certification program cycle, manufacturers will be responsible for preparing and maintaining all of the records for an engine's certification as required under 40 CFR Part 86 of the Federal regulations and as is currently the practice in conducting a certification program. Manufacturers should ensure that these records are kept up-to-date at all times and in such a fashion as to be capable of supporting and documenting the decisionmaking process. This is essential both to keep the certification program functioning smoothly and to minimize problems that could occur as a result of an audit. Of course, records should be accurate, and any attempt to misrepresent the data or documents required can only hamper the certification process and may result in the voiding of a vehicle for certification.

Defeat Device Review

Of the several decisions that will be transferred from EPA to the manufacturer, the definition and detection of defeat devices is probably one of the most critical. This is true because the definition of a defeat device or defeat system tends to be highly controversial and because such devices or systems frequently are pivotal in tradeoffs between such factors as cost, fuel economy, emission control, and driveability. The early detection of a defeat device is critical since this is one of the items that could most likely jeopardize the certification cycle for an engine family. It is essential, therefore, that all potential defeat devices be flagged as early in the cycle as possible.

Because of the critical and controversial nature of defeat device detection and definition, EPA will be particularly supportive to manufacturers by providing assistance for identifying and assessing potential defeat devices. The principal tool that the manufacturer has available is OMSPAC Advisory Circular No. 24.

A class of systems of particular concern are is the electronic systems and devices that appear with increasing frequency. Particular should be given to systems that control the effectiveness of emission control systems based on responses to timers, parameters not encountered during the Federal Test Procedure, engine temperatures, specific operating modes, a sequence of specific operating modes, etc.

In addition to being alert to all possible defeat device systems, manufacturers should also ensure that each system is fully detailed and described in the application and that the rationale for decisions regarding such systems is fully documented. Manufacturers may contact the responsible Certification Division staff member for assistance in

resolving difficult cases.

Select, Build, and Operate Durability-Data Vehicles

The specification of durability-data vehicles is to be done by the manufacturers in accordance with guidelines which have been provided.

Any manufacturer who has a problem or a critical question in developing his durability-data vehicle selections should contact the Certification Division for assistance and resolution of the problem. Manufacturers should realize that the jeopardy for misrepresenting the data for vehicle selection can have serious consequences.

EPA will not normally (but may) review a manufacturer's selection, rationale, and statements regarding the durability-data vehicle selection. Having made a durability-data vehicle selection, the manufacturer further contact with EPA is at liberty to build and operate the durability-data vehicle. Advance approval of this request is granted in those cases where the responses to the questions in the "Zero-Mile Book Review" questionnaire indicate EPA approval would be granted.

EPA will not require routine confirmatory testing of durability-data vehicles. However, EPA may select some vehicles for testing under the audit process. These selections may be made for specific reasons or at random for purposes of ensuring compliance with the regulations.

Select, Build, and Operate Emission-Data Vehicles

Manufacturers are responsible for selecting the emission-data vehicles in accordance with guidelines which have been provided. Unlike the durability-data vehicle selection process, the process of selecting an emission-data vehicle is much less objective. Because of the critical nature of this decision, EPA will attempt to assist manufacturers in arriving at vehicle selections that will minimize subsequent jeopardy because of inappropriate selections.

EPA intends to conduct confirmatory tests at its Ann Arbor facility on a substantial portion of the emission-data vehicles. A final decision as to whether a particular vehicle will be tested will be made following receipt of results obtained by the manufacturer at the 4,000-mile point. Therefore, in order to avoid delays in your certification program manufacturers should make arrangements to deliver all emission-data vehicles to EPA's Ann Arbor facility.

Application for Certificates of Conformity

Manufacturers should submit completed applications to EPA for review. EPA may undertake a review of any of the available documentation. Inaccuracies and information and data deficiencies which are identified will need to be resolved before a certificate of conformity will be issued. It is therefore incumbent upon the manufacturer to ensure that his application is complete and correct in all respects.

EPA, as a part of the final review of the manufacturer's application, may request confirmatory testing of the relevant test vehicles. Sufficient time, therefore, should be allowed to accommodate such review and confirmatory testing.

Manufacturers are further advised that there will be a large number of applications for a certificates of conformity submitted at about the same time. Your applications are likely to be in competition with other manufacturers' for EPA staff time. A response time safety factor, therefore, should be incorporated for providing adequate time for processing applications. Prior to 1980, EPA provided considerably shorter turnaround between receipt of the final application and the issuance of a certificate than the 30 days suggested in the 1979 Instructions. It is unlikely that it will be possible to provide such rapid turnaround at this point in the certification cycle since much of the review will have been deferred until receipt of the final application.

MANUFACTURERS ARE CAUTIONED NOT TO DELAY SUBMITTAL OF THE COMPLETED APPLICATION UNTIL LATE IN THE CERTIFICATION CYCLE. EPA WILL NORMALLY REQUIRE A MINIMUM OF 30 DAYS FOLLOWING RECEIPT OF THE APPLICATION IN ORDER TO COMPLETE ITS REVIEW AND ISSUE A CERTIFICATE.

Enclosure II

Authority Delegated to Manufacturers

The following is a list of specific authorities held by the Administrator of EPA to make decisions and take action to administer the light-duty vehicle certification program of the Clean Air Act. Unless rescinded, manufacturers will be authorized to exercise their authorities in lieu of the Administrator in the following areas:

<u>Section of 40 CFR Part 86</u>	<u>Description of Transferred Authority</u>
1) 86.081-21(a)	The manufacturer will maintain an up-to-date application at his facility and is not required to continuously update a copy at the Administrator's facility.
2) 86.079-23(a)(2)	Manufacturers may waive their own zero-mile test without prior approval by the Administrator.
3) 86.080-24(a)(3)	Manufacturers, in lieu of the Administrator, may decide to further divide their engine families determined in accordance with 86.080-24(a)(2) if he determines that they may have different mission characteristics. (See A/C No.20B.)
4) 86.080-24(b)	In lieu of the Administrator, manufacturers will select their own emission-data vehicles.
5) 86.080-24(c)(1)	In lieu of the Administrator, manufacturers will select their own durability-data vehicles.
6) 86.080-24(e)	Small volume manufacturers may elect to use the assigned d.f.'s provided by EPA, in--lieu of durability-data vehicle testing, without prior approval of the Administrator.
7) 86.080-24(f)	Manufacturers, in lieu of the Administrator, may decide the appropriateness of using emission data from previously certified

vehicles to provide test results in lieu of testing similar emission-data and durability-data vehicles.

Section of 40 CFR Part 86Description of Transferred Authority

- 8) 86.080-24(g)(2) Manufacturers will be required to include the full estimated weight of an optional item in the curb weight when that option is present on more than 33 percent of the vehicles in a car line within the engine-system combination.
- 9) 86.080-24(g)(3) In lieu of the Administrator, manufacturers will determine which of the equipment items which are found on more than 33 percent of a car line within a engine-system combination can reasonably be expected to influence emissions and which are in addition to air-conditioning, power steering, and power brakes. Such items will then be installed on all emission-data and durability-data vehicles representing that car line within that engine-system combination unless deletion is necessary to meet emission-data vehicle selection requirements.
- 10) 86.079-25(a)(3) In lieu of the Administrator, the manufacturer will adjudge the adequacy of an audible or visual signal used to alert the vehicle operator to the need for EGR maintenance. (See A/C No. 36A for further guidance.)
- 11) 86.079-25(a)(4) The manufacturer, in lieu of the Administrator, may adjudge the adequacy of an audible and/or visual signal to alert the vehicle operator to the need for catalytic converter maintenance. (See A/C No. 36A for further guidance.)
- 12) 86.079-25(a)(5)(i)(A) and (B) The manufacturer, in lieu of the Administrator, will adjudge the appropriateness of any engine, emission control system, or fuel

system adjustment, repair, removal,
disassembly, cleaning, or replacement
(other than that

Section of 40 CFR Part 86Description of Transferred Authority

adjustment, repair, removal, disassembly, cleaning, or replacement specifically cited by the regulations) on a durability-data vehicle.

13) 86.079-25(a)(5)(iii)

The manufacturer, in lieu of the Administrator, will adjudge whether the proposed scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations will be performed on vehicles in use. (See A/C No.12A for additional guidance.)

14) 86.079-25(a)(8)(i)

The manufacturer, in lieu of the Administrator, will determine the need and appropriateness of performing, in addition to engine idle speed adjustment, other engine, emission control system, or fuel system adjustment, repair removal, disassembly, cleaning, or replacement on emission-data vehicles prior to the 4,000-mile test point.

15) 86.079-25(a)(8)(iii)

The manufacturer, in lieu of the Administrator, will authorize maintenance on emission-data vehicles, after 4,000-mile low-altitude emission testing, to modify the vehicles for emission testing at high altitude. (See A/C No. 15A for further guidance.)

16) 86.079-25(a)(9)

Manufacturers may conduct, without prior approval from the Administrator repairs to vehicle components emission-data and durability data vehicles which are not part of the engine, emission control system, or fuel system.

17) 86.079-25(a),(10)

The manufacturer, in lieu of the Administrator, is authorized to waive

the complete emission tests before maintenance of any vehicle where such maintenance is reasonably expected to affect emissions and there is a reasonable expectation that

Section of 40 CFR Part 86Description of Transferred Authority

before-maintenance testing is unsafe, may damage or foul test equipment, or is impossible due to poor vehicle performance.

18) 86.080-26(a)(2)

Manufacturers, in lieu of the Administrator, will adjudge the appropriateness of using a modified mileage accumulation process.

19) 86.080-26(a)(7)

Manufacturers, in lieu of the Administrator, will determine, based upon review of the vehicle book guidelines made available by EPA, if it is appropriate to begin mileage accumulation.

20) 86.080-26(a)(8)

Manufacturers do not need the Administrator's prior written approval to discontinue an emission-data vehicle or durability-data vehicle from the certification program.

21) 86.079-30(b)(4)(ii)(A)

Where failed vehicle configurations and (B) as applicable are removed from a product line, manufacturers, in lieu of the Administrator, may select, in place of a failed vehicle, a new emission-data vehicle(s) to be tested for compliance with applicable standards.

22) 86.079-(30)(b)(4)(iii)

Where failed vehicle configurations are removed from a product line and replaced by a configuration not previously listed, manufacturers, without prior notice to the Administrator, should modify the failed vehicle to the new configuration and demonstrate that it meets applicable standards. The manufacturer, in lieu of the Administrator, should select a new emission-data vehicle to be tested

for compliance with applicable standards. (Please note that this authority is delegated only in those cases where the failed vehicle is modified and tested and a new vehicle is selected and tested.)

Section of 40 CFR Part 86

23) 86.079-30(b)(4)(iv)

Description of Transferred Authority

In those cases where a vehicle fails due to component or system malfunction, the manufacturer should correct the component or system malfunction and demonstrate that the vehicle meets applicable standards if the manufacturer elects (in lieu of the Administrator requiring) to operate a new vehicle of identical configuration to the failed vehicle and to test it for compliance with applicable standards. (Please note that authority to proceed with certification under this option is granted only in those cases where the failed vehicle is corrected and tested and an identical new vehicle is tested.)